

**REMARKS**

In light of the amendments reflected above, claims 1-7 have been amended, claims 8-14 have been cancelled, and claims 15-24 have been added. The Applicant respectfully contends, therefore, that claim 1-7 and 15-24 are presently pending and properly under consideration in the present application. Entry of these amendments and reconsideration of the pending rejections are respectfully requested.

The Applicant notes with appreciation the Examiner's indication that certified copies of all of the priority documents have been received from the International Bureau.

**Claim Rejection under 35 U.S.C. § 101**

Claims 1-14 stand rejected under 35 U.S.C. § 101 as the claimed recitation of a "use," without a corresponding recitation of the step(s) involved in the recited "use," represents an improper process claim. The Applicant respectfully submits that the amendments reflected above present claims directed to organophosphorus compounds having a specified structure and exhibiting herbicidal, bactericidal or fungicidal properties, claims 1-7, a method of using such a compound having bactericidal or fungicidal properties to treat a desirable plant, claims 15-19, and a method of using such a compound having herbicidal properties to treat an undesirable plant, claims 20-24. The Applicant respectfully contends that, as amended, the claims are presented in acceptable composition and method formats and request, therefore, that this objection be withdrawn.

The Applicant respectfully submits that the amendments to the original claims are intended to focus on the agricultural aspects and clarify the usefulness of the claimed compounds as herbicides, bactericides and fungicides. The Applicant further contends that support for each of the new claims 15-24 may be found in the claims as originally filed, the Specification at, *inter alia*, pages 16-18, and the knowledge of one of ordinary skill in the art regarding the application of treatment compositions to desirable and undesirable plants.

**CONCLUSION**

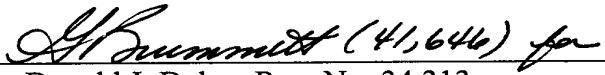
In light of the above amendments and remarks, the Applicant respectfully submits that each pending objection and rejection has been addressed and overcome, thereby placing this application in condition for allowance. A notice to that effect is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By  (41,646) for  
Donald J. Daley, Reg. No. 34,313

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

DJD/GBP:dg